7	AIIAINI-	Applicant(a)
Notice of Allowability	Application No.	Applicant(s)
	09/591,307	EDWARDS ET AL.
	Examiner	Art Unit
	Mina Haghighatian	1616
The MAILING DATE of this communication a All claims being allowable, PROSECUTION ON THE MERITS herewith (or previously mailed), a Notice of Allowance (PTOL- NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATEN of the Office or upon petition by the applicant. See 37 CFR 1.	IS (OR REMAINS) CLOSED in 85) or other appropriate commun I RIGHTS. This application is su	this application. If not included nication will be mailed in due course. THIS
1. This communication is responsive to response filed 01/2	<u>′07/04</u> .	
2. ⊠ The allowed claim(s) is/are <u>1-45,47 and 49-51</u> .		
3. $igotimes$ The drawings filed on <u>06/09/2000</u> are accepted by the $igotimes$	Examiner.	
 Acknowledgment is made of a claim for foreign priority a) ☐ All b) ☐ Some* c) ☐ None of the: 	y under 35 U.S.C. § 119(a)-(d) o	r (f).
 Certified copies of the priority documents h 	ave been received.	
Certified copies of the priority documents h	ave been received in Application	n No
Copies of the certified copies of the priority	documents have been received	in this national stage application from the
International Bureau (PCT Rule 17.2(a))).	
* Certified copies not received:		
 Acknowledgment is made of a claim for domestic priorit reference was included in the first sentence of the spec 	ification or in an Application Data	a Sheet. 37 CFR 1.78.
(a) The translation of the foreign language provision		
Acknowledgment is made of a claim for domestic priorit in the first sentence of the specification or in an Applica		r 121 since a specific reference was included
Applicant has THREE MONTHS FROM THE "MAILING DATE below. Failure to timely comply will result in ABANDONMENT	of this communication to file a for this application. THIS THRE	reply complying with the requirements noted EE-MONTH PERIOD IS NOT EXTENDABLE.
 A SUBSTITUTE OATH OR DECLARATION must be su INFORMAL PATENT APPLICATION (PTO-152) which 		
 CORRECTED DRAWINGS (as "replacement sheets") r (a) ☐ including changes required by the Notice of Draftsp 1) ☐ hereto or 2) ☐ to Paper No 		(PTO-948) attached
(b) including changes required by the proposed drawin	ng correction filed, which	has been approved by the Examiner.
(c) \square including changes required by the attached Examir		
Identifying indicia such as the application number (see 37 CF each sheet. Replacement sheet(s) should be labeled as such		
9. DEPOSIT OF and/or INFORMATION about the deattached Examiner's comment regarding REQUIREMENT FO		
Attachment(s)		
1☐ Notice of References Cited (PTO-892)	5 ☐ Notice of Infor	mal Patent Application (PTO-152)
 Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No) 6☐ Interview Sum	mary (PTO-413), Paper No
	3/08), 7□ Examiner's Ar	mendment/Comment
4 Examiner's Comment Regarding Requirement for Deposit of Biological Material	t 8□ Examiner's St 9□ Other .	atement of Reasons for Allowance
		vetols. Het
		MICHAEL G. HARTLEY PRIMARY EXAMINER

U.S. Patent and Trademark Office PTOL-37 (Rev. 11-03) Application/Control Number: 09/591,307

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DETAILED ACTION

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art while disclosing pulmonary delivery of powders characterized on the basis of a fine particle fraction (FPF) of at least 10%, does not enable for FPF's exceeding 50%.

Therefore upon further consideration of the instant claims and their comparison with the prior art, it was concluded that the applicant's arguments in this regard are persuasive and that the Maa reference dose not teach or suggest the instant invention as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mina Haghighatian whose telephone number is 571-272-0615. The examiner can normally be reached on core office hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0198.

Mina Haghighatian January 23, 2004

> MICHAEL G. HARTLEY PRIMARY EXAMINER